

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MAY 1, 2007

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Major Poindexter.

Lisa Goldner of Bose McKinney and Evans, Nancy Dison and Mark Webb of ILBA were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Johnson moved to approve the minutes that were submitted for the April 17, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the May 1, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR49-10068 EMMA BRONER– Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law with the recommendation that the Commission uphold the original approval and renew this permit because the decision was supported by substantial evidence and was not arbitrary and capricious.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and approve this permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred forty-six (346) renewals approved, fifty-nine (59) new and/or transfer permits approved, eight (8) permits approved for catering, two (2) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for sixth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL82-23038 MARTIN & BAYLEY, INC., d/b/a HUCKS FOOD & FUEL – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie moved to approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-23046 TRADER'S POINT FARM ORGANICS, INC., d/b/a TRADER'S POINT CREAMERY – Chairman Heath noted this is a new type 111 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR71-23010 RENMARK, INC., d/b/a CENTER STREET PUB – Chairman Heath noted this is a new type 221-3 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-05611 LIQUORS UNLIMITED 1, INC. – Chairman Heath noted this is a type 217 renewal application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-05611 PAYLESS LIQUORS, INC. – Chairman Heath noted this is a type 217 transfer of ownership and location with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Johnson moved to make forty-five (45) permits inactive. Eleven (11) permits are subject to auction and thirty-four (34) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **OLD BUSINESS**

RR84-05940 G & R VIGO ASSOC., LLC – Commissioner Guthrie stated this permit was made inactive in November 2006. The permit holder supplied evidence that there was a misunderstanding concerning the deactivation and; therefore, requests that the permit be reactivated.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Guthrie moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DAVE HEATH, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER